There are a number of interesting pieces of HIPAA information are included below.   Of special interest may be:
1) CalOHI PM 2003-18, HIPAA Privacy Complaint Process Templates
      (Please note that there is a lot of great information
       and resources at www.ohi.ca.gov)
2) Security Rule and TCS addenda is now at OMB

As always: Please be sure to note that in some cases the information presented may be the opinion of the original author. We need to be sure to view it in the context of our own organizations and environment. You may need additional information, support, legal opinions and/or decision documentation when interpreting the rules.

My thanks to all the folks who have shared information for this e-news.
Thanks!!!
Ken
(916-654-2466 if needed)

Several items that may be of interest:
   CalOHI PM 2003-18, HIPAA Privacy Complaint Process Templates
    Security Rule and TCS addenda at OMB
    [PH-CONSORTIUM-L] HHS HIPAA Privacy Conferences
    [hipaalive] RE: GENERAL: Non-covered Entities
    WEDI SNIP Education Workgroup Update
    Early Bird Discounted Registration for 2003 Health Care Compliance
            Congress - ATTACHMENT
    January SNIP Synopsis - ATTACHMENT
    Third National WEDI SNIP HIPAA Implemenation Summit ATTACHMENT
    [hipaalert] HIPAAlert - Vol. 4, No. 1 - 1/21/03   ATTACHMENT
    [hipaalert] HIPAAlert-lite: Final Security, TCS Modification on Their Way - 1/14/03
    HIPAA Implementation Newsletter -- Issue #49 - Jan. 17, 2003 - ATTACHMENT

******** CalOHI PM 2003-18, HIPAA Privacy Complaint Process Templates ************
>>> "Hart, Therese (OHI)" <THart@ohi.ca.gov> 01/15/03 07:14AM >>>
The Privacy Rule compliance date is 3 months from now (April 14, 2003),
leaving us with allot of work to do in a limited amount of time.

At the CalOHI website (Attached) find Policy Memorandum 2003-18, HIPAA Privacy Complaint Process Templates.

Special thanks to the subcommittee of the Privacy Work Group that developed these products and is diligently working on tools and templates to help you implement the requirements of HIPAA Privacy.

At the CalOHI website is (I have attached) the Policy which provides several generic tools that you may find useful in developing your complaint process to meet requirements.
Also, Exhibit 1 which provides an overview of the templates. The remaining Exhibits as listed below will be posted on the CalOHI website for your convenience.

Exhibit 1 - HIPAA Privacy Complaint Process Templates Overview
Exhibit 2 - HIPAA Privacy Complaint Process
Exhibit 3 - HIPAA Privacy Complaints - Allowable Uses/Disclosures of PHI
Exhibit 4 - Health and Medical Information, HIPAA Privacy Complaint Filing
Form and Organization Tracking Form
Exhibit 5 - HIPAA Privacy Complaint Status Log
Exhibit 6 - Roles and Responsibilities - HIPAA Privacy Complaint Official
Exhibit 7 - Notice of Privacy Practices - HIPAA Privacy Complaint Paragraphs
Exhibit 8 - Code of Federal Regulations and State Law, Citations for HIPAA
Privacy Complaints

<<2003-18 Complaint Process Policy.doc>>   <<2003-18 Exhibit 1 -
Overview of Templates.doc>>
Please visit the CalOHI website (www.ohi.ca.gov   ) for all
policies/procedures issued, preemption policies, as well as other valuable
information re: HIPAA.

Therese Hart, Chief
Policy Management Branch
California Office of HIPAA Implementation (CalOHI)
thart@OHI.ca.gov

**************   Security Rule and TCS addenda at OMB *******************
> From: Jacobs, Ruth (OHI)
> Sent: Tuesday, January 14, 2003 6:54 AM
> To: OHI All Staff; Cohen, Burt; Hart, Therese; Kam, Alex; Stuart,
> Stephen; Thompson, Greg
> Subject: Security Rule at OMB
>
> Below is the information that the Security Rule is now at OMB, so the
> 1/25/03 date of publication is probably real.
> HHS-CMS RIN: 0938-AI57 Health Insurance Reform Security Standards
> (CMS-0049-F) STAGE: Final Rule ECONOMICALLY SIGNIFICANT: No **
RECEIVED:
> 01/13/2003
>
> Ruth I. Jacobs, RN
> State of California
> Health and Human Services Agency
> Office of HIPAA Implementation (CalOHI)
> 1600 Ninth Street, Room 400
> Sacramento, CA 95814
> rjacobs1@ohi.ca.gov
>
>

Also, fyi - below is info showing the TCS addenda are also at OMB:

HHS-CMS RIN: 0938-AK64 Health Insurance Reform; Modification to Standards
for Electronic Transactions Standards and Code Sets -- (CMS-0003-F) STAGE:

Final Rule ECONOMICALLY SIGNIFICANT: No ** RECEIVED: 01/13/2003
The OMB link is:http://www.whitehouse.gov/omb/library/OMBREGSP.html#HHS

*************** [PH-CONSORTIUM-L] HHS HIPAA Privacy Conferences *****************
FYI: This information was extracted from a notice sent to PHF via the Health Services
and Resources Administration (HRSA). You may receive the same from HRSA or
another source, but I wanted to be sure all on the list obtained the information.

The U.S. Department of Health and Human Services will convene four conferences San
Diego, Atlanta, New York, and Chicago.

San Diego, California - February 5, 2003
Registration information:
www.cvent.com/EventManagement/Summary/Summary.asp?code=&eCode=iktlikbilrdiie
glihiiloviikrlik&type
Registration questions: contact Jill Collier at 858-822-4770 or jcollier@ucsd.edu

Atlanta, Georgia - February 18, 2003
Registration information: www.gynob.emory.edu/rtc/conferences_hipaa.html
Registration questions: contact 404-523-1996 ext 102, or email jbsurre@emory.edu

New York, NY - March 1, 2003
Registration and location information TBA

Chicago, Illinois - March 2, 2003
Registration and location information TBA

************ WEDI SNIP Education Workgroup Update **********************
>>> KristinBecker1@aol.com 01/03/03 11:20AM >>>
Seasons Greetings and Happy New Year!

The WEDI SNIP Education Workgroup would like to take this opportunity to:

o   Share information with you about our group.
o   Update you on our numerous initiatives.
o   Invite you to participate in 2003!

What is the WEDI SNIP Education Workgroup?

The Education Workgroup was created to raise awareness of the overall WEDI SNIP
initiative and to develop a long-term strategy for collecting and disseminating HIPAA
implementation information, resources and educational tools. We actively develop and
deploy educational strategies through a series of Subworkgroups targeted at specific
segments of the industry including:

o   Employers
o   Health Plans
o   Providers
o   Vendors

Today, the Education Workgroup includes participants representing various segments of the industry including providers, health plans, vendors, clearinghouses, employers and consultants. As with all WEDI and WEDI SNIP Workgroups, we are an all-volunteer, vendor-neutral team. While corporate promotion is prohibited, networking is encouraged. We are excited to announce the recent addition of two new Co-Chairs to our group:

o   Trudy Krause, Dynamic Health Strategies
o   Dan Morrissey, Healthcare Strategies

Our other Co-Chairs include:

o   Joan Boyle, The TriZetto Group
o   Kathleen Hertzog, National Processing Corporation, Inc.
o   Mariann Yeager, Emerson Strategic Group

What are the WEDI SNIP Education Initiatives?

1. Educational Forums
o   SNIP Forum - March 3-5, Chicago, IL
o   WEDI Annual Conference - May 19-21, Northern Virginia
o   SNIP Implementation Summit - Fall 2003 (Dates and Location TBA)
o   Quarterly Audiocasts
o   Joint Industry-CMS Provider Outreach Pilot

2. SNIP Synopsis - a monthly newsletter that keeps the WEDI SNIP membership current on pressing issues and available resources to assist with HIPAA implementation.

3. White Papers/Resources
o   Beyond HIPAA 101 White Paper
o   Professional Provider Handbook
o   Employer FAQs

How Can I Get Involved?

o   Join our listserv. We communicate primarily through our listserv and conference calls. You may sign up for the listserv at <http://subscribe.wedi.org/>. This is a great way to keep up with and share educational issues and initiatives. Once you sign up for the listserv, you may post messages to the following e-mail address: wedi-education@lists.wedi.org.

o   Contact us to volunteer. We are always looking for new volunteers to assist with the many initiatives we have in process. 2003 is going to be a very busy year for the Education Workgroup, so we encourage you to bring your talents and get involved!

We are currently looking for volunteers for the following initiatives. For more information, please contact us as noted below:

o   Beyond HIPAA 101 - Mariann Yeager - myeager@emersonsg.com
o   Professional Provider Handbook - Dan Morrissey - dm@healthcarestrategies.net

o   Employer FAQs - Trudy Krause - tkrause@dhsgroup.com
o   SNIP Synopsis - Anne Marie Railing - amrailing@aol.com
o   Audiocast Planning - Mariann Yeager - myeager@emersonsg.com

***************** [hipaalive] RE: GENERAL: Non-covered Entities ****************** *************

** HIPAAlive! From Phoenix Health Systems/HIPAAdvisory.com **

My suggestion is you run this by your state attorney general's office.
Medicaid was specifically mentioned as a health plan and therefore a covered
entity under HIPAA. If your agency administers Medicaid, that is considered
a health plan and at least that portion of your agency would be considered a
covered entity. If you have another designated state agency that is
officially your Medicaid agency and you act as the pass through, I would ask
the question, are you a clearinghouse for those payments from the Medicaid
agency to the provider? Your agency may be a hybrid organization but I'm a
bit skeptical that there are no covered entity components.

I don't know if you'll be able to avoid business associate contracts (BAC).
If you're not the officially designated Medicaid agency and you make
payments on behalf of the Medicaid agency (act in some ways as their third
party administrator for certain benefits), you may not be officially a
health plan for the purpose of these payments. Were I a provider and you
told me you weren't the covered entity, that you just made the pass through
payments, I would push you to sign a BAC unless you assume the role of
covered entity or can point to statute/rule that moves the liability from me
to you for potential inappropriate release of PHI. Acting as the oversight
agency is one thing. When you are making direct payments on behalf of your
Medicaid agency to providers it's quite another in my mind.

Good luck!

Chris Apgar, CISSP
HIPAA Compliance Officer
Providence Health Plan

The views and opinions expressed do not necessarily state or reflect those
of Providence Health System and Providence assumes no liability or
responsibility for the accuracy, completeness, or usefulness of the
information communicated.

-----Original Message-----
From: Richard Fowler [mailto:rbf900@dss.state.va.us]
Sent: Wednesday, January 22, 2003 4:21 AM
To: HIPAAlive Discussion List
Subject: [hipaalive] GENERAL: Non-covered Entities

** HIPAAlive! From Phoenix Health Systems/HIPAAdvisory.com **

Our state Department of Social Services provides eligibility
determination for welfare benefits such as Food Stamps, Child Support,

TANF, Energy Assistance, Medicaid, etc. Our local offices throughout the state provide these functions as well as providing direct payments to hospitals and clinics for treatment. However, the programs under which these payments are made are not specifically designated for medical payments. Their primary purpose is for social service and family assistance.

By my reading of the regulations and HHS guidance, we are neither a covered entity nor a business associate. We are a health oversight agency for many of our services, and require PHI for many others. The information collected is protected by many other laws and regulations, but not HIPAA.

We do, however, work with other covered entities such as our state Medicaid agency and Health Department, as well as with many different hospitals and clinics for our many client cases. My question is (sure took me long enough to get here, eh?) what is the best method for ensuring that, after April 14, we are not inundated with BA contracts every time we need access to PHI? For example, what is the process by which a covered entity provides information to my agency concerning child or elder abuse? For another example, what is the best way for a case worker to obtain PHI for a foster child case?

While we may not be a covered entity, we still have to understand the processes that will become mandatory. Has anyone addressed this issue yet? Thanks for any assistance,

Richard Fowler, CISA
VDSS Audit Manager
Richmond, Virginia

*** [hipaalert] HIPAAlert-lite: Final Security, TCS Modification on Their Way - 1/14/03 *****
>>> <info@phoenixhealth.com> 01/14/03 11:07AM >>>
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H I P A A L E R T - lite -- January 14, 2003

>>From Phoenix Health Systems--HIPAA Knowledge--HIPAA Solutions<<
        => Healthcare IT Consulting & Outsourcing <=
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=

In this issue:

HIPAAnews --

* Final Security Rule, Transactions Modification on Their Way
* AHIMA to Feds: Need Final Security Rule Now

* White House Trims Cyber-Security Plan
* Homeland Security Told to Answer Queries on National IDs

HIPAAlatest -- additions to HIPAAdvisory.com

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LAST DAY to participate in our Winter 2003 HIPAA Survey --
your input matters!

It's quick and easy -- and all online. Do it now:
http://www.hipaadvisory.com/action/surveynew/surveyintro.htm

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H I P A A n e w s

*** Final Security Rule, Transactions Modification on Their Way ***

The Final Rules on the "HIPAA Security Standards" and "Modification to Standards for
Electronic Transactions and Code Sets" were received by the White House Office of
Management & Budget, Office of Information and Regulatory Affairs (OMB/OIRA)
yesterday for review. Final clearance takes between two weeks and 90 days, at which
point, the final version of the regulations are placed on display at the Government
Printing Office (GPO) in Washington, DC, and then published in the Federal Register.

*** AHIMA to Feds: Need Final Security Rule Now ***

The American Health Information Management Association (AHIMA) sent a letter last
week to the Departments of Health and Human Services (HHS) and Defense (DOD),
raising serious concerns with two events which occurred at the end of 2002 that
highlight a need for the publication of the final HIPAA security rule. The letter, addressed
to HHS Sec. Tommy Thompson and DOD Sec. Donald Rumsfeld, points out HHS'
failure to issue a final notice for HIPAA Security regulations, as anticipated on
December 27 and the theft on December 14 of more than 500,000 health records by a
DOD contractor. A $100,000 reward is being offered for information that helps lead to
the arrest and conviction of the perpetrators who stole the computers from the Phoenix
offices of TriWest Healthcare Alliance, part of DOD's TriCare system. A Defense health
official said the theft poses no threat to the Composite Health Care System II, DOD's
pilot computerized medical system. CHCS II is not part of Tricare and its information is
stored at "very secure sites." However, DOD has formed a task force to review security
policies for health information systems at military medical facilities worldwide.

Read more: http://www.hipaadvisory.com/news/index.cfm#0110ihb

Read AHIMA's letter to HHS/DOD Secretaries on Security:
http://www.hipaadvisory.com/views/security/010603ahima.htm

*** White House Trims Cyber-Security Plan ***

The recently-released next draft of the Bush Administration's cyber-security policy, entitled the "National Strategy to Secure Cyberspace," reduces by nearly half its initiatives to tighten security for vital computer networks, giving more responsibility to the new Department of Homeland Security and eliminating an earlier proposal to consult regularly with privacy experts. However, the draft notes that "care must be taken to respect privacy interests and other civil liberties." It also noted that the new Homeland Security Department will include a privacy officer to ensure that monitoring the Internet for attacks would balance privacy and civil liberties concerns. Meanwhile, an independent advisory panel issued a report that is sharply critical of the cyber-security policy, saying it is tepid and relies too much on the cooperation of the private sector.

Read more: http://www.hipaadvisory.com/news/index.cfm#0107ew

*** Homeland Security Office Told to Answer Queries on National IDs ***

The Office of Homeland Security lost the first round in a legal fight to keep its activities secret, reports the Washington Post. A federal judge in Washington ruled the Office will have to answer questions about its power over other federal agencies if it wants to have a lawsuit seeking access to its records dismissed. The ruling favored the Electronic Privacy Information Center (EPIC), which is trying to get Homeland Security records on proposals for a national driver's license and for a "trusted flyer" program that relies on biometric information to identify airline passengers.

Read more: http://www.hipaadvisory.com/news/index.cfm#0106wp

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SNEAK PEEK: 11th Hour HIPAA!

Read this month's Health Management Technology cover article by Phoenix staff, and get a sneak peek at how to meet the deadlines when you haven't even started:
http://www.hipaadvisory.com/action/HIPAAcompliance.htm#11thhour

Want more?
SIGN UP today for our 11TH HOUR HIPAA audio conference,
Thursday, January 30 at 2 PM EST, in our HIPAAstore:
http://www.hipaadvisory.com/ezcart/

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H I P A A l a t e s t

NEW IN HIPAAction >

Privacy --

* Privacy Notices: No Good If No One Reads:
http://www.hipaadvisory.com/action/privacy/index.htm#010703em

Compliance > Specific Groups --

* HIPAA Resource for Psychologists:
http://www.hipaadvisory.com/action/compliance/specific.htm#psych

NEW IN HIPAAtech >

Electronic Communications --

* eRisk Working Group on Healthcare's Guidelines for
  Online Communications:
http://www.hipaadvisory.com/action/ecomm.htm#erisk

* Secure email messaging & HIPAA:
http://www.hipaadvisory.com/action/ecomm.htm#zix

NEW IN HIPAAviews >

Privacy --

* Law May End Injury Reports:
http://www.hipaadvisory.com/views/privacy/prosports.htm

Transactions --

* AHIMA's comments on proposed ICD-9-CM code modifications:
http://www.hipaadvisory.com/views/tcs/010903ahima.htm

ON THE CONFERENCE CALENDAR --

* More conferences, workshops, and seminars throughout 2003:
http://www.hipaadvisory.com/news/calendar/index.htm

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HIPAAlert-lite is our weekly version of HIPAAlert, Phoenix Health Systems' acclaimed
monthly enewsletter.

Our Other HIPAA resources:

HIPAAdvisory web site: http://www.hipaadvisory.com
HIPAAnote Weekly Byte of HIPAA: http://www.hipaanote.com
HIPAAlive Discussion List: http://www.hipaalive.com
HIPAAlive-Premium: http://www.hipaadvisory.com/live/prem.htm
HIPAAlive Doc Site: http://www.hipaadvisory.com/MembersOnlySignup/

* Join HIPAAlive-Premium & get a FREE Doc Site Membership! *

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ARCHIVES: http://www.hipaadvisory.com/alert/archives.htm
SEARCH: http://www.hipaadvisory.com/search/index.cfm#keyword